### Recidivism advantage cp

Advocacy Text: Punishments ought to always be consistent with required mandatory minimum punishments in the U.S. criminal justice system.

Competition:

1. functionally-mandatory minimums are retributivist in nature.

**USSC**. Mandatory Minimum Penalties in the Federal Criminal Justice System. *United States Sentencing Commission* August 1991 Special Report to the Congresshttp://www.ussc.gov/Legislative\_and\_Public\_Affairs/Congressional\_Testimony\_and\_Reports/Mandatory\_Minimum\_Penalties/199108\_RtC\_Mandatory\_Minimum.htm

**Retribution** or "Just Deserts." **[is]Perhaps the most commonly-voiced goal of mandatory minimum penalties** is the "justness" of long prison terms for particularly serious offenses. Proponents generally agree that longer sentences are deserved and that, absent mandatory penalties, judges would impose sentences more lenient than would be appropriate.

2. functionally-cp is absolute in applying mandatory minimums which it overrides any risk of using rehab.

Solvency:

Execution of mandatory minimums decreases recidivism.

**Owens 12**: Shawn D. Bushway Emily G. Owens. December 2012. Framing Punishment: Incarceration, Recommended Sentences, and Recidivism.

A large literature in psychology and economics has demonstrated that reference points influence decision making in experimental lab situations. However, there is little evidence of these effects in the field, in large part due to the difficulty of measuring individual reference points in real-world settings. In this paper, we test for evidence of framing using plausible measures of individual reference points in the criminal justice sentencing process. As such, this paper links recent work in behavioral economics with empirical research in law and economics that attempts to better understand how incarceration changes behavior. Our central finding that the framing of a given punishment matters has important policy implications. Specifically, **the passage of legislatively-mandated “mandatory minimum” punishments that are not implemented by prosecutors, judges, and parole boards may have perverse effects on recidivism**. Our findings suggest that **consistency in the threat and the action of the criminal justice system can make punishment more effective at reducing crime**. **Based on our empirical results, offenders seem to evaluate their time served relative to these unrealized outcomes, in the sense that the relative sizes of these unrealized outcomes are predictive of future crime.** We are able to rule out many alternate explanations for our observed results. There is no compelling evidence that the 2001 re-scoring of offenses changed the sentences passed down by judges, and it did not have a statistically significant effect on time served. We also find no evidence that the composition of offenders changed with the re-scoring, although high recommendations were more likely to induce plea bargains. The re-scoring does not appear to be prompted by a change in crime rates, and the re-scoring had no detectable general deterrent (or in this case general encouragement) effect.

### Methodology good

Owens is particularly good because it takes into account reference dependent points which has not been done except in one study.

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Much of the previous research on sentence length has treated incarceration as a black box, ignoring potentially important differences in what goes on behind bars. **Our paper builds on recent work that seeks to explore what makes incarceration a rehabilitative or criminogenic experience**. Katz et al. (2003) found that more severe prison conditions, as measured by prison death rates, reduced crime rates, which could plausibly come from general or specific deterrence. However, Chen and Shapiro (2007) used a regression discontinuity approach to show that federal inmates held in maximum security prisons were more likely to recidivate than if they were incarcerated in medium security conditions. Bayer et al. (2009) found that juvenile delinquents appear to hone their criminal capabilities when exposed to similar types of offenders. Drago et al. (2011) used distance from a center city to proxy for prisoner isolation, and finds a weak positive relationship between prisoner isolation and recidivism**. We take a different tack, incorporating the idea of reference dependent preferences into the study of recidivism.** The concept of reference dependent preferences, developed in the late 1970s, is a major focus of current theoretical research in behavioral economics (Kahnemen and Tversky, 1979, 1981; Koszegi and Rabin, 2006, 2007, 2009; Hart and Moore, 2008). While generally supported in experimental settings, there is less persuasive empirical field research on the role of reference points in decision making, in large part because **reference points are generally not observed by the researchers** (see Della Vigna 2009 for a recent review of this literature). One **exception to this is Mas** (2006), **who finds evidence that reference points affect group behavior**, specifically that police officers appear to solve, or “clear,” fewer crimes after lower-than-expected raises. In this paper, **we also observe both the actual outcome and the unrealized potential outcome likely used as a point of reference** and, unlike Mass (2006), we observe individual response to unrealized outcomes, rather than average group responses.

### Meta-analysis bad

Meta-analysis is statistically flawed for three reasons.

**Herbolsheimer** Pia, Sandra M. Swain. “Meta-analysis: Should it be More Than the Sum of Its Parts?” Washington Cancer Institute. Washington Hospital Center. November 2010.

However, **meta-analysis has several** potential **weaknesses**. **Even a statistically well-performed meta-analysis** of inadequate or heterogeneous studies **results in skewed** or incorrect **conclusions**. In addition, **various kinds of biases can distort the results**. For example, **the** socalled “**file drawer problem” is caused by inclusion of published data only in a meta-analysis and results in biased effect sizes. No one knows how many studies have been conducted** on a given subject **but never published because it may be difficult to get negative results published . Another example** of a possible source of **bias is the Simpson paradox, in which a correlation that is present in different groups is reversed when the groups are combined. This result is due to unequally sized groups being combined in the same dataset**, causing an incorrect weighing of the results. **Furthermore, “cherry picking” of the studies may produce biases when performing meta-analyses.**

### Recency

Also prefer my evidence on recency because it’s from 2012 so it accurately portrays what the criminal justice system is like now.